APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,370	09/30/1999	CHRISTOPHER SHANE CLAUSSEN	AT9-99-485	5278

7590 07/24/2003

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EXAMINER
BIENEMAN, CHARLES A

ART UNIT	PAPER NUMBER
2176	12

DATE MAILED: 07/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PP4

	Application No.		Applicant(s)
Offic Action Summary	09/409,370		CLAUSSEN ET AL.
	Examiner		Art Unit
	Charles A. Bieneman		2176

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _20 June 2003 and 09 July 2003_ .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-6 and 8-20_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-6 and 8-20_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)		4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6) ☐ Other: .

DETAILED ACTION

1.   This action is responsive to the following communications: Amendment filed on June

20, 2003 and Information Disclosure Statement filed on July 9, 2003. Applicants are advised

that the substitute specification referred to in the remarks filed June 20, 2003 has not been

received by the Office and entered into the file wrapper.

2.   Claims 1-6 and 8-20 are pending. Claims 1, 9-11, 15, and 20 are independent claims.

Information Disclosure Statement

3.   The Information Disclosure Statement filed July 9, 2003 (the "IDS") has been considered

by the examiner.

However, the last reference listed on page 3 of the IDS and all of the references listed on

page 4 of the IDS were not considered by the examiner because they are non-patent literature and

copies of these references do not appear to have been provided by applicants.

Further, it should be noted that the following references listed in the IDS were considered

by the examiner only to the extent that the examiner has noted that the references are U.S.

Patents published after this application's filing date assigned to the same assignee as the present

application, and are therefore unavailable for use as prior art against the present application

under 35 U.S.C. § 103(c): US 6,012,098 (Bayeh et al.), US 6,418,446 B1 (Lection et al.), and

US 6,507,856 B1 (Chen et al.).

Specification

4.   The specification is objected to because it contains a copyright notice that does not

conform with 37 CFR 1.71, which provides in relevant part:

> (d)   A copyright or mask work notice may be placed in a design or utility patent
> application adjacent to copyright and mask work material contained therein. The
> notice may appear at any appropriate portion of the patent application disclosure.

> For notices in drawings, see § 1.84(s). The content of the notice must be limited
> to only those elements provided for by law. For example, "©1983 John Doe"(17
> U.S.C. 401) and "*M* John Doe" (17 U.S.C. 909) would be properly limited
> and, under current statutes, legally sufficient notices of copyright and mask work,
> respectively. Inclusion of a copyright or mask work notice will be permitted only if
> the authorization language set forth in paragraph (e) of this section is included at
> the beginning (preferably as the first paragraph) of the specification.
> (e)   The authorization shall read as follows:
> A portion of the disclosure of this patent document contains material which is subject to
> (copyright or mask work) protection. The (copyright or mask work) owner has no
> objection to the facsimile reproduction by any- one of the patent document or the patent
> disclosure, as it appears in the Patent and Trademark Office patent file or records, but
> otherwise reserves all (copyright or mask work) rights whatsoever.

Appropriate correction is required.

5.   A substitute specification including the claims is required pursuant to 37 CFR 1.125(a)

because each page of the specification contains numerous typographical errors and portions of

the specification and the claims are single-spaced such as to make reading and entry of

amendments difficult. Examples of typographical errors from the first two pages of the

specification include page 1, lines 15 and 19 and page 2, lines 2, 10 and 11.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter

from the original specification and any previously entered amendment under 37 CFR 1.121. If

the substitute specification contains additional subject matter not of record, the substitute

specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement

that the substitute specification contains no new matter; and 2) a marked-up copy showing the

amendments to be made via the substitute specification relative to the specification at the time

the substitute specification is filed.

Claim Rejections - 35 USC § 103

6.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

7.   **Claims 1-6 and 8-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over

World Wide Web Consortium, *Document Object Model (DOM) Level 1 Specification, Version*

1.0 (October 1, 1998), pp. 1-94, in view of U.S. Patent Application Publication number

2003/0028561 A1 of <u>Gounares et al.</u>, published February 6, 2003, filed May 19, 1999 and

Peligri-Lopart et al., *JavaServer Pages™ Specification*, Version 1.1 – Public Release, August 18,

1999, provided by applicants in their Information Disclosure Statement filed September 24,

2002.. With respect to the rejection of each dependent claim below, the preceding rejection(s) of

the relevant base claim(s) is incorporated therein.

Regarding **independent claim 1**, *DOM Level 1 Specification* teaches upon encountering

a tag, passing given information to a method inasmuch as *DOM Level 1 Specification* teaches

traversing an XML DOM (*DOM Level 1 Specification*, p. 38, lines 34-35: "By far the vast

majority of objects (apart from text) that authors encounter when traversing a document are

element nodes."), and provides a list of methods to which information regarding the tag can be

passed. (*E.g., DOM Level 1 Specification*, pp. 39-40, describing the getAttribute method.)

Further, *DOM Level 1 Specification* does not teach that the method is in a tag handler

registered in a tag library wherein the tag library contains one or more elements defining custom

tags, wherein an element defining a custom tag contains an attribute for a tag handler that

processes an instance of the custom tag. However, Peligri-Lopart et al. on page 86 describes tag

libraries with one or more elements defining custom tags, and the examples in Appendix A (see

pages 124-126) clearly teach elements defining custom tags containing attributes for tag handlers

that process custom tags. Further, Peligri-Lopart et al. teach registering custom tags in a tag

library inasmuch as in lines 1-4 of Section 2.7.7 on page 50 they teach a collection of tags called

a "tag library." and further teach that the tags are identified with a "taglib" directive. Moreover, Peligri-Lopart et al. would have provided one of ordinary skill in the art with motivation to implement its teaching by explaining on page 86 that custom tags abstract functionality and enable "a more natural expression of that functionality within JSP pages." Also, the benefits of centrally maintained, reusable components were well known in the art at the time of applicants' claimed invention. Therefore, it would have been obvious to one of ordinary skill in the art to implement the method in a tag handler registered in a tag library wherein the tag library contains one or more elements defining custom tags, wherein an element defining a custom tag contains an attribute for a tag handler that processes an instance of the custom tag.

Further, *DOM Level 1 Specification* teaches having the method generate a string. (*E.g.*, *DOM Level 1 Specification*, p. 40, describing the return value of the get Attribute method.)

Further, *DOM Level 1 Specification* does not teach parsing the string into a new DOM tree inasmuch as the string taught by *DOM Level 1 Specification* is not designed for that purpose. However, Gounares et al. teach generating a string that represents a portion of an XML or HTML DOM tree (Gounares et al., p. 6, para. 68.), and moreover it would have been obvious to one of ordinary skill in the art to generate such a string inasmuch as Gounares et al. explains that the string has the benefit of "representing the locations of the tree data 514 in a logical, sequential structure that is portable from one view to another." (Gounares et al., p. 6, para. 65, lines 6-8.)

Further, *DOM Level 1 Specification* teaches replacing the given node and any child nodes with the new DOM tree inasmuch as *DOM Level 1 Specification* teaches replacing, inserting and removing nodes which may themselves have children. (*DOM Level 1 Specification*, pp. 29-31,

describing methods insertBefore, replaceChild, removeChild, and appendChild; *see also* p. 21,

lines 27-29: "[V]arious operations – such as inserting nodes as children of another Node [p. 25] –

may take DocumentFragment objects as arguments; this results in all the child nodes of the

DocumentFragment being moved to the child list of this node.")

Regarding **dependent claim 2**, *DOM Level 1 Specification* inherently teaches the new

DOM tree having a root node positioned at the given node in the tree inasmuch as inserting a

DocumentFragment as described in the previous paragraph would have positioned a root node at

the given node in the tree.

Regarding **dependent claim 3**, *DOM Level 1 Specification* teaches the given information

being a text string inasmuch as the last line of page 39 states that a parameter of the getAttribute

function is the name of the attribute to retrieve.

Regarding **dependent claim 4**, *DOM Level 1 Specification* does not teach that the text

string is a representation of XML in the DOM tree at the given node and any child nodes of the

given node. However Gounares et al. teach passing a text string representing XML in a DOM

tree to a method upon encountering a tag inasmuch as they teach passing XML strings to an

interface for placement in a new XML document which inherently would have required passing

the strings into a method. (Gounares et al., para. 72, lines 6-10: "The update processor 532 sends

the document changes 504 to the ITreeSyncBehavior interface 534 in the form of character

strings representing the data content and the character position locations of the data content.")

As noted above regarding claim 1, Gounares et al. explain the benefit of using strings to

represent XML. Moreover, one of ordinary skill in the art would have recognized that it would

have been logical and complete to process not only the node but all its children, given that child

nodes in a tree structure depend upon their parents. Therefore, it would have been obvious to

one of ordinary skill in the art to have made the text string a representation of XML in the DOM

tree at the given node and any child nodes of the given node.

Regarding **dependent claim 5**, *DOM Level 1 Specification* does not explicitly teach that

the string generated by the method is XML. However, as noted above regarding claim 1, it

would have been obvious to one of ordinary skill in the art in view of Gounares et al. to have the

string generated by the method be XML.

Regarding **dependent claim 6**, *DOM Level 1 Specification* teaches the given information

being the given node inasmuch as *DOM Level 1 Specification* teaches methods that accept nodes

as parameters. (*E.g., DOM Level 1 Specification*, p. 29, description of insertBefore method.)

Regarding **dependent claim 8**, *DOM Level 1 Specification* does not teach that the tag is a

marker that initiates invocation of a handler. However, *DOM Level 1 Specification* teaches a

ProcessingInstruction interface that "represents a 'processing instruction', used in XML as a way

to keep processor-specific information in the text of the document." (*DOM Level 1*

Specification, p. 46, 2nd and 3rd lines from the bottom of the page.) This would have suggested to

one of ordinary skill in the art that the tag is a marker that initiates invocation of a handler

because one of ordinary skill would have recognized that a processing instruction required

processing, *i.e.,* invocation of a handler. Therefore, it would have been obvious to one of

ordinary skill in the art to make the tag a marker that initiates invocation of a handler.

Regarding **independent claim 9**, *DOM Level 1 Specification* teaches upon encountering

a tag, passing given information to a method as discussed above regarding claim 1. Further, as

discussed above regarding claim 4 it would have been obvious over *DOM Level 1 Specification*

in view of Gounares et al. to generate a string representing the XML in the DOM tree at the given node and any child nodes and to pass that string as the given information.

Further, *DOM Level 1 Specification* does not teach that the method is in a tag handler registered in a tag library wherein the tag library contains one or more elements defining custom tags, wherein an element defining a custom tag contains an attribute for a tag handler that processes an instance of the custom tag. However, this limitation would have been obvious one of ordinary skill in the art in view of Peligri-Lopart et al. as discussed above regarding claim 1.

Further, *DOM Level 1 Specification* does not teach having the method generate an XML string. However, as discussed above regarding claim 5, this would have been obvious over *DOM Level 1 Specification* in view of Gounares et al.

Further, *DOM Level 1 Specification* does not teach parsing the XML string into a new DOM tree having a root node, although as noted above regarding claim 2 *DOM Level 1 Specification* inherently teaches a root node in any DOM tree and further it would have been obvious to one of ordinary skill in the art to parse the XML string into a DOM tree inasmuch as *DOM Level 1 Specification* teaches that the DOM provides the benefits of allowing documents to be easily built, navigated, and edited. (*DOM Level 1 Specification*, p. 10, lines 7-10.)

Further, as noted above regarding claim 1, *DOM Level 1 Specification* teaches replacing the given node and any child nodes with the new DOM tree, and, as noted above regarding claim 2, *DOM Level 1 Specification* inherently teaches the new DOM tree having a root node positioned at the given node in the tree.

Regarding **independent claim 10**, *DOM Level 1 Specification* teaches upon encountering a tag, passing given information to a method as discussed above regarding claim 1.

Further, *DOM Level 1 Specification* does not teach that the method is in a tag handler registered in a tag library wherein the tag library contains one or more elements defining custom tags, wherein an element defining a custom tag contains an attribute for a tag handler that processes an instance of the custom tag. However, this limitation would have been obvious one of ordinary skill in the art in view of Peligri-Lopart et al. as discussed above regarding claim 1.

Further, *DOM Level 1 Specification* does not teach having the method generate an XML string. However, as discussed above regarding claim 5, this would have been obvious over *DOM Level 1 Specification* in view of Gounares et al.

Further, *DOM Level 1 Specification* does not teach parsing the XML string into a new DOM tree having a root node, although as noted above regarding claim 2 *DOM Level 1 Specification* inherently teaches a root node in any DOM tree and further it would have been obvious to one of ordinary skill in the art to parse the XML string into a DOM tree inasmuch as *DOM Level 1 Specification* teaches that the DOM provides benefits of allowing documents to be easily built, navigated, and edited. (*DOM Level 1 Specification*, p. 10, lines 7-10.)

Further, as noted above regarding claim 1, *DOM Level 1 Specification* teaches replacing the given node and any child nodes with the new DOM tree, and, as noted above regarding claim 2, *DOM Level 1 Specification* inherently teaches the new DOM tree having a root node positioned at the given node in the tree.

Regarding **independent claim 11**, *DOM Level 1 Specification* teaches (a) processing the DOM tree to locate a tag as discussed above regarding claim 1. Further, the tag is inherently a custom tag inasmuch as *DOM Level 1 Specification* applies to XML, a markup language in which all tag are custom, *i.e.*, defined by a user or developer.

Further, *DOM Level 1 Specification* teaches (b)(i) upon encountering a tag, passing given information to a method as discussed above regarding claim 1.

Further, *DOM Level 1 Specification* does not teach that the method is in a tag handler registered in a tag library wherein the tag library contains one or more elements defining custom tags, wherein an element defining a custom tag contains an attribute for a tag handler that processes an instance of the custom tag. However, this limitation would have been obvious one of ordinary skill in the art in view of Peligri-Lopart et al. as discussed above regarding claim 1.

Further, *DOM Level 1 Specification* teaches (b)(ii) having the method generate a string as discussed above regarding claim 1.

Further, *DOM Level 1 Specification* does not teach (b)(iii) parsing the string into a new DOM tree, but this would have been obvious over Gounares et al., as noted above regarding claim 1.

Further, *DOM Level 1 Specification* teaches replacing the given node and any child nodes with the new DOM tree, as discussed above regarding claim 1.

Further, *DOM Level 1 Specification* does not teach repeating the steps of the method. However, it was well known in the art to repeatedly apply processing to tree structures until all nodes had been appropriately processed, and therefore it would have been obvious to one of ordinary skill in the art to repeat steps (a)-(b).

Regarding **dependent claim 12**, the rejection of claim 3 above is fully incorporated herein.

Regarding **dependent claim 13**, the rejection of claim 4 above is fully incorporated herein.

Regarding **dependent claim 14**, the rejection of claim 6 above is fully incorporated herein.

Regarding **independent claim 15**, *DOM Level 1 Specification* inherently teaches a computer program product in a computer-readable medium inasmuch as on page 16 it teaches interfaces that would have been accessed using a computer program product in a computer-readable medium.

Further, the rejection of claim 1 above is fully incorporated herein.

Regarding **dependent claim 16**, the rejection of claim 4 above is fully incorporated herein.

Regarding **dependent claim 17**, *DOM Level 1 Specification* does not teach that the given information is the text representation. However, as noted above regarding claim 4, Gounares et al. teach passing a text string representing XML in a DOM tree to a method upon encountering a tag and also explain the benefit of using text strings to represent XML. Therefore, it would have been obvious to one of ordinary skill in the art to make the given information is the text representation.

Regarding **dependent claim 18**, the rejection of claim 6 above is fully incorporated herein.

Regarding **dependent claim 19**, the rejection of claim 5 above is fully incorporated herein.

Regarding **independent claim 20**, *DOM Level 1 Specification* inherently teaches a computer program product in a computer-readable medium inasmuch as on page 16 it teaches interfaces that would have been accessed using a computer program product in a computer-

readable medium. Further, *DOM Level 1 Specification* inherently teaches custom tags inasmuch as *DOM Level 1 Specification* applies to XML, a markup language in which all tag are custom, *i.e.*, defined by a user or developer.

Further, the rejection of claim 15 above is fully incorporated herein.

Response to Arguments

8.   Regarding the rejection of claims 1-20 under 35 U.S.C. § 103(a), applicants argue (Remarks, pages 11-14) that their independent claims as amended recite the allegedly unobvious limitation of a tag library containing elements defining custom tags, wherein an element defining a custom tag contains an attribute for a tag handler that processes an instance of the custom tag. As the present office action relies on Peligri-Lopart et al. for the teaching of this claim limitation, the examiner takes no position with respect to whether, as argued by applicants, the JSP Specification 1.0 reads on the aforementioned claim limitation.

Further, applicants concede (page 13) that Peligri-Lopart et al. "describes a specific mechanism for implementing a custom tag library" but argue that Peligri-Lopart et al. does not show "the tag handler . . . specified as an attribute in a definition of a custom tag." However, the examiner believes that the examples shown in Appendix A of Peligri-Lopart et al. show elements defining custom tags containing attributes "for a tag handler" as recited in the independent claims. For example, on page 126 Peligri-Lopart et al. shows a "connection tag" with "id" and "ref" attributes that exist "for a tag handler" inasmuch as they would have been used by a tag handler to process an instance of the custom tag.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure:

        U.S. Patent Number 6,560,633 B1 to Roberts et al., issued May 6, 2003, filed June 10,

1999.

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Charles A. Bieneman whose telephone number is 703-305-8045.

The examiner can normally be reached on Monday - Thursday, 6:30 a.m. - 5:00 p.m..
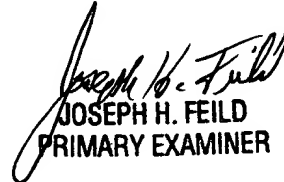
        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph H. Feild can be reached on 703-305-9792. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-746-7239 for regular

communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-4700.

CAB
July 19, 2003

JOSEPH H. FEILD
PRIMARY EXAMINER